

MAY 05 2003

PETITIONS OFFICE

PTO/SB/84a (05-03)

Approved for use through xx/xx/200x. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL
FILING (37 CFR 1.137(f))**
Docket Number (Optional)
529252000100

First named inventor: Miles WU, et al.

Application No.: 10/087,045

Art Unit: 2681

Filed: 2/28/02

Examiner: Not assigned

**Title: MEASURING THE THROUGHPUT OF TRANSMISSIONS OVER WIRELESS
LOCAL AREA NETWORKS**
**Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 308-6916**

**NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.**

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

**PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION
UNDER 37 CFR 1.137(b)**

1. Petition fee
☒ Small entity-fee \$ 650.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))
2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is February 25, 2003.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

05/14/2003 CKHLOK 00000017 031952 10087045

01 FC:2453 650.00 CH

PTO/SB/64a (05-03)

Approved for use 12/12/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

(NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

May 2, 2003

Date

Peter J. Vim (Reg. No. 44,417)

Signature

Telephone

Number. 415-268-6373Peter J. Vim

Typed or printed name

425 Market Street

Address

San Francisco, CA 94105-2482Enclosures: ☐ Fee Payment☐ Additional sheets containing statements establishing unintentional delay☒ Other: Fax cover sheet 1 pg. transmittal 1 pg.;
fee transmittal (in duplicate)

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.May 2, 2003

Date

Janet Hollrah

Signature

Janet Hollrah

Type or printed name of person signing certificate

DUPLICATE COPY FOR FEE PROCESSING

PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL

for FY 2003

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**\$650.00**

Complete if Known

Application Number **10/087,045**
 Filing Date **February 28, 2002**
 First Named Inventor **Miles WU**
 Examiner Name **To Be Assigned**
 Group Art Unit **2681**
 Attorney Docket No. **529252000100**

FAX RECEIVED
MAY 05 2003

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account

Deposit Account Number

03-1952

Deposit Account Name

Morrison & Foerster LLP

The Commissioner is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)**0**

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims			
Multiple Dependent			

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)**0**

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
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1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	650.00
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
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1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
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1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **\$650.00**

SUBMITTED BY

Name (Print/Type) **Peter J. Yim**

Registration No. (Attorney/Agent)

44,417

Complete (if applicable)

Telephone **(415) 268-8373**

Signature

Peter J. Yim

Date

May 2, 2003

SF-1494712

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box →

Approved for use through 10/31/02. OMB 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 10/087,045

Filing Date February 28, 2002

First Named Inventor Miles WU

Group Art Unit 2881

Examiner Name To Be Assigned

Attorney Docket No. 52925-2000100

FAX RECEIVED

MAY 05 2003

PETITIONS OFFICE

Total Number Of Pages In This Submission

5

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form w/duplicate copy for fee processing (2 Pages)☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declarations☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53☐ Assignment Papers
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☒ Petition (2 Pages)☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to
Group☐ Appeal Communication to Board of
Appeals and Interferences☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify
below):

Facsimile Cover Sheet

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm

or

Individual Name

Peter J. Yim (Reg. No. 44,417)
Morrison & Fearster LLP
425 Market Street
San Francisco, California 94105-2482

Signature

Date

May 2, 2003

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on May 2, 2003.

Janet Hollrah

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

MORRISON & FOERSTER LLP

Attorneys at Law
425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-7000
Facsimile: (415) 268-7522

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MAY 05 2003

PETITIONS OFFICE

To: U. S. Patent and Trademark Office
Office of Petitions (Patent)

Facsimile: (703) 308-6916
Phone: (703) 308-6199

From: Peter J. Yim

Date: May 2, 2003

We are transmitting a total of **6** pages (including this page).

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Comments:

DOCKET NO.: 529252000100

GROUP ART UNIT: 2681

EXAMINER: Not Assigned

SERIAL NO.: 10/087,045

FILING DATE: February 28, 20002

INVENTOR(S): Miles WU, et al.

**TITLE: MEASURING THE THROUGHPUT OF TRANSMISSIONS OVER WIRELESS
LOCAL AREA NETWORKS**

Papers attached:

- 1. Transmittal (1 Page)**
- 2. Fee Transmittal w/duplicate copy for fee processing (2 Pages)**
- 3. Petition For Revival of an Application For Patent Abandoned For Failure To Notify The
Office of a Foreign or International Filing (2 Pages)**
- 4. Facsimile Cover Sheet**

MORRISON & FOERSTER LLP

Attorneys at Law
425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-7000
Facsimile: (415) 268-7522

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PETITIONS OFFICE

To: Mrs. Frances Hicks
U.S. Patent and Trademark Office

Facsimile: (703) 308-6919
Telephone: (703) 308-8680

From: Peter J. Yim**Date:** May 5, 2003

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Comments:**Mrs. Hicks,**

As you instructed, I am refaxing the petition filed by fax on May 2, 2003 for U.S. Patent Application Serial No. 10/087,045.

Thank you for your assistance.

-Peter Yim

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☐

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/087,045
Filing Date	February 28, 2002
First Named Inventor	Miles WU
Group Art Unit	2681
Examiner Name	To Be Assigned
Attorney Docket No.	52925-2000100

FAX RECEIVED**MAY 02 2003****PETITIONS OFFICE**


Total Number Of Pages In This Submission

5

ENCLOSURES (check all that apply)

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form w/duplicate copy for fee processing (2 Pages) | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input checked="" type="checkbox"/> Petition (2 Pages) | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declarations | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Facsimile Cover Sheet |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Peter J. Yim (Reg. No. 44,417) Morrison & Foerster LLP 425 Market Street San Francisco, California 94105-2482
Signature	
Date	May 2, 2003

CERTIFICATE OF FACSIMILE TRANSMISSION

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Janet Hollrah

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PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032

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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

Complete if Known

Application Number 10/087,045
 Filing Date February 28, 2002
 First Named Inventor Miles WU
 Examiner Name To Be Assigned
 Group Art Unit 2681
 Attorney Docket No. 529252000100

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$650.00

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number

03-1952

Deposit Account Name

Morrison & Foerster LLP

The Commissioner is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1001	750	Utility filing fee	
		1002	330	Design filing fee	
		1003	520	Plant filing fee	
		1004	750	Reissue filing fee	
		1005	180	Provisional filing fee	

SUBTOTAL (1) (\$0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims			
Multiple Dependent			

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1202	18	Claims in excess of 20	
		1201	84	Independent claims in excess of 3	
		1203	280	Multiple dependent claim, if not paid	
		1204	84	** Reissue independent claims over original patent	
		1205	18	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$0)

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1051	130	Surcharge - late filing fee or oath	
		1052	50	Surcharge - late provisional filing fee or cover sheet	
		1053	130	Non-English specification	
		1812	2,520	For filing a request for ex parte reexamination	
		1804	920*	Requesting publication of SIR prior to Examiner action	
		1805	1,840*	Requesting publication of SIR after Examiner action	
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		1253	930	Extension for reply within third month	
		1254	1,450	Extension for reply within fourth month	
		1255	1,970	Extension for reply within fifth month	
		1401	320	Notice of Appeal	
		1402	320	Filing a brief in support of an appeal	
		1403	280	Request for oral hearing	
		1451	1,510	Petition to institute a public use proceeding	
		1452	110	Petition to revive - unavoidable	
		1453	1,300	Petition to revive - unintentional	\$50.00
		1501	1,300	Utility issue fee (or reissue)	
		1502	470	Design issue fee	
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		1460	130	Petitions to the Commissioner	
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		1801	750	Request for Continued Examination (RCE)	
		1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$650.00

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PETITIONS OFFICE

SUBMITTED BY

Name (Print/Type) Peter J. Yim

Signature

Peter J. Yim

Registration No. (Attorney/Agent)

44,417

Complete (if applicable)

Telephone (415) 268-6373

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Deposit Account Number

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Deposit Account Name

Morrison & Foerster LLP

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1204	84	2204	42
1205	18	2205	9

SUBTOTAL (2) (\$)

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**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

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Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

\$650.00

SUBMITTED BY

Name (Print/Type) Peter J. Yim

Registration No. 44,417
(Attorney/Agent)**Complete (if applicable)**

Telephone (415) 268-8373

Signature

Peter J. Yim

Date May 2, 2003

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Comments:

DOCKET NO.: 529252000100

GROUP ART UNIT: 2681

EXAMINER: Not Assigned

SERIAL NO.: 10/087,045

FILING DATE: February 28, 20002

INVENTOR(S): Miles WU, et al.

**TITLE: MEASURING THE THROUGHPUT OF TRANSMISSIONS OVER WIRELESS
LOCAL AREA NETWORKS**

Papers attached:

- 1. Transmittal (1 Page)**
- 2. Fee Transmittal w/duplicate copy for fee processing (2 Pages)**
- 3. Petition For Revival of an Application For Patent Abandoned For Failure To Notify The
Office of a Foreign or International Filing (2 Pages)**
- 4. Facsimile Cover Sheet**